

REMARKS

Initially, Applicants would like to thank the Examiner for the courtesies extended during the recent interview held on November 17, 2004. The claim amendments made by this paper are consistent with the proposals discussed during the interview.

The first Office Action, mailed October 5, 2004, considered and rejected claims 1-22 in view of various combinations of art, including Smith (U.S. Publication No. US006557756B1), Carhart (U.S. Patent No. 6,622,230), Sposato (U.S. Patent No. 5,781,228) and Alexander (U.S. Patent No. 6,177,931).¹

By this paper, claims 3, 5-6, 8, 11-12, 14-15, 17 and 19 have been amended, claims 1, 2, 4, 9-10, 16, 20-22 have been cancelled, and new claims 23-28 have been added, such that claims 3, 5-8, 11-15, 17-19 and 23-28 remain pending, of which claims 23 and 24 are the independent claims at issue.

As described during the interview, and as now recited claim 23, the present invention is generally directed to a method for advertising in a system that able to translate an incoming signal into a picture on a display and that is connected to the Internet. The method includes displaying information at a television device, entering a screen saver mode upon detecting user inactivity, and replacing the displayed information with advertising information while in the screen saver mode. As further recited, the advertising information is displayed with an exit segment that can be selected to exit the screen saver mode, such that the television tuning device exits the screen saver mode in response to the exit segment being selected rather than exiting the screen saver mode in response to other user activity detected at the one or more input devices.

Claim 24, the only other independent claim at issue is directed to a computer program product having computer-executable instructions for implementing the method recited in claim 23.

¹ Claims 1-4, 6-8, 12, 13 and 15-19 were rejected under 35 U.S.C. § 102(e) as being anticipated by Smith (U.S. Publication No. US006557756B1). Claims 5, 20 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of Carhart (U.S. Patent No. 6,622,230). Claims 9-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of Carhart and Sposato (U.S. Patent No. 5,781,228). Claims 14 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of Alexander (U.S. Patent No. 6,177,931). Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

The cited art, including Smith, generally relate to systems that can be used to perform advertising. In fact, Smith actually discloses the use of a screen saver with advertising. Sposato also discloses a system in which information can be displayed with an exit segment. However, as discussed during the interview, none of the cited art, either singly or in combination anticipates or obviates the recited method of the invention. In particular, none of the cited art discloses or suggests a method for advertising with a screen saver in a TV/Internet environment in such a way that upon entering the screen saver mode advertising information is presented with at least an exit segment that can be selected to exit the screen saver mode, and in such a way that the television tuning device exits the screen saver mode in response to the exit segment being selected rather than exiting the screen saver mode in response to other user activity, as claimed.

Accordingly, for at least these reasons Applicants respectfully submit that the pending claims 3, 5-8, 11-15, 17-19 and 23-28 are now in condition for prompt allowance.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 5th day of January, 2005.

Respectfully submitted,



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